

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CR-113
)	(PHILLIPS/SHIRLEY)
DONALD R. HARMON,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to the provisions of 28 U.S.C. §636(b), the Rules of this Court, and by Order [Doc. 240] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of defendant Donald Harmon's *pro se* Motion. [Doc. 239] The parties appeared before the undersigned on June 24, 2008, for a hearing on the Motion. Defendant Harmon appeared on his own behalf. Assistant United States Attorney Tracee Plowell appeared on behalf of the government.

The defendant moves the Court to allow defendant's prior council, Herbert Moncier, to continue his representation of the defendant, despite Mr. Moncier's suspension from the practice of law in the United States District Court for the Eastern District of Tennessee. In re Moncier, No. 1:08-MC-9, 2008 WL 1953477 (E.D. Tenn. Apr. 29, 2008). In light of Mr. Moncier's suspension by the Chief Judge of this District, this Court cannot authorize Mr. Moncier's continued representation of the defendant, and therefore the defendant's motion [Doc. 239] is hereby **DENIED**. However, given the defendant's statement to the Court that he cannot afford to hire new counsel, the Court can, and will, appoint new counsel to represent the defendant. The Court will

enter the appropriate Order once qualified counsel is located to represent defendant Harmon.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge